

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)
v.)
DANIEL DELVALLE, et al.,)
Defendants.)
No. 12-cr-732 (WHP)

**DEFENDANT DANIEL DELVALLE'S
MOTION FOR A BILL OF PARTICULARS**

Defendant Daniel Delvalle (“Mr. Delvalle”) hereby moves this Court, pursuant to Rule 7(f) of the Federal Rules of Criminal Procedure and the Fifth and Sixth Amendments to the Constitution of the United States, for an order directing the Government to provide a bill of particulars on Count One and Count Two of the Indictment (S3), dated March 12, 2013 (the “Indictment”), identifying:

1. all overt acts the Government alleges were committed by Mr. Delvalle in furtherance of the charged conspiracy;
2. the names of all charged and uncharged persons the Government will claim at trial were co-conspirators in the charged conspiracy and the date each person allegedly joined the conspiracy;
3. the date and location of any meeting, conversation, or any other sort of activity, at which the Government will contend that Mr. Delvalle joined the charged conspiracy; and

4. all acts committed by Mr. Delvalle which the Government will use to prove that Mr. Delvalle possessed, used, carried, or discharged a firearm, or aided and abetted such conduct, in furtherance of the charged drug-trafficking conspiracy, and any alternative theory of liability that the Government intends to rely on to establish Mr. Delvalle's liability under Count 2 of the Indictment.

Mr. Delvalle further respectfully moves this Court to direct that (i) all requested information be set forth in writing; and (ii) any information that the Government states in its Bill of Particulars which is incomplete be furnished and supplemented as additional information becomes available to the Government prior to trial.

Mr. Delvalle also joins any and all motions brought by his co-defendants that are applicable to him. To the extent that the Government provides further discovery materials after the deadline provided by the Court at the April 5, 2013 pretrial conference, Mr. Delvalle reserves his right to supplement his Motion for a Bill of Particulars, bring additional pre-trial motions as deemed necessary by that discovery, and/or seek to preclude introduction of those materials or information at trial.

Mr. Delvalle requests an order granting the relief sought herein, and for such other relief as this Court may deem just and proper. A Memorandum of Law in Support of Mr. Delvalle's Motion is submitted herewith.

Dated: June 19, 2013
New York, New York

Respectfully submitted,

/s/ Lance Croffoot-Suede
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